

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FLYING EAGLE ESPRESSO, INC.,

Plaintiff(s),

V.

HOST INTERNATIONAL, INC., et al.,

Defendant(s).

NO. C04-1551P

ORDER RE:

**1. MOTION FOR RECONSIDERATION
2. AMENDING PRIOR ORDER**

The above-entitled Court, having received and reviewed:

1. Defendant Unite HERE Local 8's Motion for Reconsideration

and all exhibits and declarations attached thereto, makes the following ruling:

IT IS HEREBY ORDERED that the motion is DENIED.

IT IS FURTHER ORDERED that the Court’s Order on Motions for Summary Judgment (Dkt. No. 117) is AMENDED to strike any reference to Defendant Unite Hotel Employees and Restaurant Employees (“HERE”) Local 8 being a party defendant in CityIce v. Port of Seattle (C99-1647BJR).

Discussion

HERE, the union party defendant in the above-entitled litigation, has filed a motion requesting the Court to reconsider its ruling on the union's motions for summary judgment based on a factual error contained in the Order on Motions for Summary Judgment (Dkt. No. 117). That order makes reference to HERE having been a party defendant in another lawsuit, CityIce v. Port of Seattle (C99-1647BJR, in which an injunction was entered which has been at issue in this case.

Defendant is correct: HERE Local 8 was not a defendant in the CityIce case and the Court's statements to that effect are factual errors. The above-cited order will be amended to strike any reference to HERE being a party to the CityIce litigation in any fashion.

1 However, a review of the Court's reasoning in the original opinion reveals that, even with the
2 references (and accompanying rationale) concerning the mistaken assertion removed, there remains
3 considerable factual and legal support for the Court's ruling on Defendant's summary judgment
4 motions. The motion for reconsideration will therefore be DENIED.

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6 The clerk is directed to provide copies of this order to all counsel of record.

7 Dated: September 27, 2005



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9 Marsha J. Pechman
10 U.S. District Judge

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